

ORIGINAL
FILE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of
Redevelopment of Spectrum
to Encourage Innovation in
the Use of New
Telecommunications
Technologies

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ET Docket No. 92-9

RM-7981

RM-8004

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To: Chief Engineer

JAN 5 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MOTION FOR EXTENSION OF TIME
IN WHICH TO FILE
REPLY COMMENTS

Pursuant to Section 1.46 of the Commission's Rules, the Utilities Telecommunications Council (UTC) and the American Petroleum Institute (API) respectfully request a brief extension of time in which to file Reply Comments in response to the Further Notice of Proposed Rule Making, FCC 92-357, in the above-captioned matter. Reply Comments are currently due to be filed on January 13, 1993. Movants request a two-week extension of time, to January 27, 1993. In support of this request, the following is respectfully submitted.

UTC is the national representative on communications matters for approximately 2,000 of the nation's electric,

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gas and water utilities. API is a national trade association representing over 200 companies involved in all aspects of the oil and natural gas industries. A large number of UTC's and API's member companies are currently licensed in the 2 GHz band for point-to-point microwave communications, and would be directly affected by the Commission's proposals to relocate these systems to higher microwave bands. As detailed in earlier comments in this and related proceedings, the microwave systems operated by these companies are critical to their safe and efficient operations. UTC and API therefore have a strong interest in this proceeding, and in assisting the Commission to develop rules for the use of higher microwave bands that will benefit private microwave users.

The Further Notice responded to separate, but related petitions, filed by UTC and Alcatel Network Systems, Inc. (Alcatel) requesting amendment of the technical and operational rules for various fixed microwave bands above 3 GHz to make available suitable replacement spectrum for microwave systems displaced from the 2 GHz band. In adopting the Further Notice, the Commission emphasized its "commitment that the quality and availability of service provided by the licensees now operating in the 2 GHz band not be reduced," and stated its intention "to take any

steps necessary to prevent disruptions to them."^{1/} Accordingly, the Commission requested comment on a comprehensive plan for microwave rechannalization based on Alcatel's petition for rulemaking.

Comments on the Further Notice were originally due on December 4, 1992. However, by Order, DA 92-1599, released November 24, 1992, the dates for filing Comments and Reply Comments were extended by one week, to December 11, 1992, and January 13, 1993, respectively. This brief extension was based on a request filed by the Fixed Point-to-Point Communications Section of the Telecommunications Industry Association (TIA) in order to facilitate a consensus on the complex technical issues between point-to-point equipment manufacturers and the major frequency coordinators of 2-11 GHz spectrum.

Twenty-nine sets of comments were filed in response to the Further Notice. As projected by TIA, a significant consensus was developed by TIA on an alternative rechannalization plan, which was also supported in joint comments of Harris Corporation-Farion Division, Digital Microwave Corporation, and Telesciences, Inc.^{2/} It is

^{1/} Further Notice, para. 2.

^{2/} American Telephone and Telegraph Company (AT&T) also submitted an alternative channelization plan.

important to note that the TIA rechannelization plan is so radically distinct from the Commission's proposal (which was based on the Alcatel proposal) that Alcatel has expressly withheld its concurrence from the TIA "consensus."^{3/} UTC and API also view the TIA channelization plan to be, essentially, a "new" proposal which should be given due consideration.

The comprehensive nature of this new proposal, intervening holidays, as well as the need to prepare comments in this and related proceedings,^{4/} have prevented UTC and API members from being able to fully evaluate and provide input on these counterproposals. Additional time will permit UTC and API to fully evaluate these new proposals, and will permit commenters to address which, if either, of these proposals (that have been developed by microwave equipment manufacturers) would better meet user needs.

^{3/} Without discussing the merits of either proposal, the two proposals differ in the size of the basic "building block" channels: the FCC/Alcatel proposal is premised on 400 kHz channel blocks; the TIA/Harris proposal is based on 1.25 MHz channel blocks.

^{4/} Reply Comments responsive to the Notice of Proposed Rule Making in GEN Docket No. 90-314 are currently due on January 8, 1993, and Comments in response to the Third Notice of Proposed Rule Making in ET Docket No. 92-9 are due to be filed on January 13, 1993 -- the same date on which Reply Comments are currently due in response to the Further Notice.

Grant of this brief extension will not significantly delay this proceeding, nor will it prejudice any party to this proceeding. Counsel for Harris Corporation - Farinon Division, Digital Microwave Corporation (DMC), and Telesciences, Inc. have indicated to undersigned counsel for UTC that they concur with the requested extension.

Although the Commission has announced that successful completion of this rechannelization effort will be a condition precedent to the finalization of other aspects of ET Docket No. 92-9, as well as the adoption of technical and service rules for Personal Communications Services (PCS) in GEN Docket No. 90-314, it appears likely that this matter will be concluded well in advance of the more complex issues remaining in the PCS docket. In any event, the Commission's goal in creating the 2 GHz spectrum reserve will be better achieved if this rechannelization effort affords incumbent microwave users the best possible spectrum alternatives.

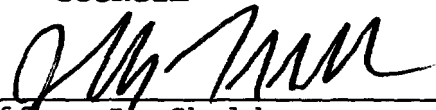
WHEREFORE, THE PREMISES CONSIDERED, the Utilities Telecommunications Council and the American Petroleum Institute respectfully request that the time for filing

Reply Comments in response to the Further Notice be
extended to January 27, 1993.

Respectfully submitted,

**UTILITIES TELECOMMUNICATIONS
COUNCIL**

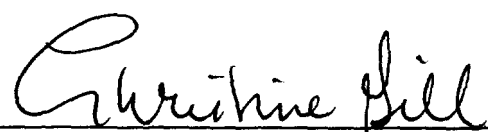
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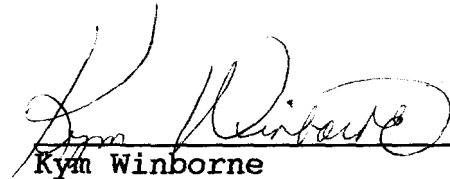
Dated: January 5, 1993

CERTIFICATE OF SERVICE

I, Kym Winborne, a secretary with the Utilities Telecommunications Council, hereby certify that I have caused to be delivered, by hand, this 5th day of January, 1993, a copy of the foregoing "Motion for Extension of Time in Which to File Reply Comments," to each of the following:

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